

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
:  
RICKEY ELY, Derivatively on Behalf of Nominal :  
Defendant NEWLINK GENETICS CORPORATION, :  
:  
Plaintiff, :  
:  
vs. :  
:  
CHARLES J. LINK, JR., THOMAS A. RAFFIN, :  
PAUL R. EDICK, PAOLO PUCCI, JOSEPH :  
SALURI, ERNEST J. TALARICO, III, NICHOLAS :  
VAHANIAN and LOTA S. ZOTH, :  
:  
Defendants, :  
:  
and :  
:  
:  
NEWLINK GENETICS CORPORATION, :  
:  
Nominal Defendant. :  
:  
----- X

Case No. 1:17-cv-03799

**NOTICE OF PLAINTIFF'S**  
**UNOPPOSED MOTION FOR**  
**PRELIMINARY APPROVAL OF**  
**DERIVATIVE SETTLEMENT AND**  
**APPROVAL OF SHAREHOLDER**  
**NOTICE**

TO: All Counsel of Record

PLEASE TAKE NOTICE that upon the Stipulation and Agreement of Settlement dated May 21, 2021 filed concurrently herewith, the accompanying Plaintiffs' Memorandum Of Law in Support of Plaintiff's Unopposed Motion for Preliminary Approval of Derivative Settlement, and the Declaration of Joshua M. Lifshitz in Support of the Unopposed Motion for Preliminary Approval of Derivative Settlement, Plaintiff in the above captioned action will move this Court before the Honorable William H. Pauley, III in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007 for entry of an Order that will, among other things: (i) preliminarily approve the proposed Settlement of the Derivative Action on the terms set forth in the Stipulation; (ii) approve the proposed form and manner of providing notice of the Settlement to the Company's shareholders as of May 21, 2021; and (iii)

schedule a final approval hearing to determine whether the proposed Settlement should be finally approved and to consider Plaintiff's Counsel's application for an award of attorneys' fees and reimbursement of expenses incurred in connection with the prosecution of the Derivative Action. For the reasons set forth in Plaintiff's Memorandum of Law, the Lifshitz Declaration, and the Stipulation, Plaintiff respectfully requests that the Court find that the proposed Settlement merits preliminary approval. A proposed Order entitled [proposed] Preliminary Approval and Scheduling Order, which grants the relief requested herein, is attached hereto as Exhibit A and as Exhibit D to Stipulation, which is filed concurrently herewith.

Dated: June 3, 2021

Respectfully submitted,

By: /s/ Joshua M. Lifshitz  
Joshua M. Lifshitz  
Email: jml@jlclasslaw.com  
**LIFSHITZ LAW FIRM, P.C.**  
1190 Broadway,  
Hewlett, New York 11557  
Telephone: (516) 493-9780  
Facsimile: (516) 280-7376

*Attorneys for Plaintiff*